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TARA HILLS DRIVE LIMITED, a California limited partnership

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TARA HILLS DRIVE LIMITED, a California
limited partnership,

Plaintiff,

v.

DARRYL L. PETKER; SHAUNA M. PETKER;
MYONG-POX-HAN; CHAN NAN HAN; PETER
H. KIM; IN SOO OH; CHAN IM OH; and DOES 1
through 100, inclusive,

Defendants.

AND RELATED CROSS-ACTIONS.

Case No.: C-11-06610 EDL

MODIFIED

**STIPULATION AND ORDER RE STAY
AND STATUS CONFERENCE**

Date: February 19, 2019

Time: 10:00 a.m.

Court: Courtroom E, 15th Floor

Judge: Hon. Elizabeth D. Laporte

I. STIPULATION

Pursuant to Civil L.R. 7-12, Plaintiff and Counter-Defendant Tara Hills Drive Limited (“Tara

1 Hills”); Defendants, Counter-Claimants, Cross-Claimants, and Cross-Defendants In Soo Oh and Chan
2 Im Oh (the “Ohs”); Defendant, Counter-Claimant, Cross-Claimant, and Cross-Defendant Darryl L.
3 Petker; and Defendant and Cross-Defendant Shauna Anderson McCall (collectively the “Parties”), by
4 and through their undersigned counsel, stipulate as follows:

5 WHEREAS, by this Court’s order this matter has been stayed until February 16, 2019, which
6 stay was in deference to oversight of California Department of Toxic Substances Control (“DTSC”)
7 regarding PCE remediation at 1577 Tara Hills Drive, Pinole, CA (“Property”) and to permit the parties
8 to mediate this matter.

9 WHEREAS, a Status Conference is currently scheduled for February 19, 2019;

10 WHEREAS, the Parties mediated this matter on February 5, 2019 and came to a conditional
11 settlement of it and it is anticipated that the matter will be finally resolved and dismissals will be
12 entered within 45 to 60 days.

13 WHEREAS, the case was administratively closed March 31, 2015 and may be reopened and
14 returned to the Court’s active docket, as set forth in the Court’s Order dated August 4, 2015;

15 WHEREAS, the parties’ agree an additional stay and continuance of the Status Conference to
16 April 2019 is warranted to permit the parties to finalize their conditional settlement and to permit
17 dismissals to be filed assuming the settlement is finalized;

18 NOW THEREFORE, the parties respectfully request that the Court stay this action up to and
19 including April 25, 2019 and agree, stipulate and request that the Status Conference set to be held on
20 February 19, 2019 be continued to April 25, 2019 or a date soon thereafter to be set by the Court.

21 IT IS SO STIPULATED AND AGREED.

22 Dated: February 6, 2019

SMITH, CURRIE & HANCOCK, LLP

23 By /s/ Marc L. Sherman

24 Marc L. Sherman

25 Attorney for Plaintiff and Counter Defendant

26 TARA HILLS DRIVE LIMITED, a California limited
27 partnership
28

1 Dated: February 6, 2019

MURPHY, PEARSON, BRADLEY & FEENEY, P.C.

2
3 By /s/ Erik P. Weiss

John P. Girarde

Erik P. Weiss

4 Attorneys for Defendants/Counter-Claimants/Cross-
Claimants

5 IN SOO OH and CHAN IM OH

6 Dated: February 6, 2019

GIZZI & REEP, LLP

7 By /s/ Mark Mitchell

Stephen Gizzi

8 Scott D. Reep

Mark Mitchell

9 Attorney for Defendant/Counter-Claimant/Cross-Claimant

DARRYL L. PETKER

10 Dated: February 6, 2019

11 By /s/Matthew T. Powers

12 Matthew T. Powers

13 Attorney for Defendant/Counter-Claimant/Cross-Claimant

SHAUNA ANDERSON MCCALL

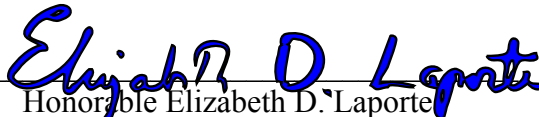
14 MODIFIED

~~PROPOSED~~ ORDER

15 Pursuant to the stipulation of the parties, and good cause appearing therefor, the Court stays
16 this action up to and including April ³⁰~~25~~, 2019 and that the Status Conference set for February 19, 2019
17 shall be continued to April ³⁰~~25~~, 2019 at 10:00 a.m. The parties shall have filed dismissals of this action
18 or submit a joint status conference statement on or before April 18, 2019 advising the Court on all
19 applicable issues including, the results of the mediation.

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21
22 DATED: February 7, 2019

23
24 
25 Honorable Elizabeth D. Laporte
Chief Magistrate Judge

26 The filing attorney attests that he has obtained concurrence regarding the filing of this
27 document and its content from the signatories to this document.